

# Minutes of a Regular Meeting

Approved 10/09/03

## Town of Los Altos Hills PLANNING COMMISSION

Thursday, September 11, 2003, 7:00 p.m.  
Council Chambers, 26379 Fremont Road

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cc: Cassettes (1) #10-03

### 1. ROLL CALL AND PLEDGE OF ALLEGIANCE

The Planning Commission regular meeting was called to order at 7:00 p.m. in the Council Chambers at Town Hall.

Present: Chairman Clow, Commissioners Mordo, Vitu, Cottrell & Kerns

Staff: Carl Cahill, Planning Director; Mintze Cheng, City Engineer/Public Works Manager; Debbie Pedro, Associate Planner; Angelica Herrera, Assistant Planner; Lani Smith, Planning Secretary

There was a moment of silence in memory of the events that took place on September 11, 2001.

### 2. PRESENTATIONS FROM THE FLOOR-none

PASSED BY CONSENSUS: Add 5.2, under NEW BUSINESS, discussion of agenda items for the Joint meeting of the City Council and Planning Commission scheduled for September 18, 2003.

### 3. PUBLIC HEARINGS

#### 3.1 LANDS OF WESTWIND BARN, 27210 Altamont Road (39-02-CUP); A review of the Conditional Use Permit (staff-Carl Cahill).

Commissioner Clow stepped down from the discussion due to the proximity of his residence to the project site.

Staff introduced the item by reviewing the staff report. Cahill directed the Commission to the DRAFT copy of the conditions of approval indicating some of the conditions for the Site Development Permit are no longer relevant. He will make the necessary corrections and renumber the conditions prior to City Council review.

OPENED PUBLIC HEARING

Dan Alexander, Westwind Barn Board President, complimented staff for their efforts regarding the renewal of the conditional use permit. He stated that they still have not found something that will grow on the back hillside. However, he was told if the horses do not use the area, something will start growing there.

#### CLOSED PUBLIC HEARING

Brief discussion ensued with no issues identified.

**MOTION SECONDED AND PASSED:** Motion by Commissioner Vitu and seconded by Commissioner Mordo to recommend to the City Council approval of the Conditional Use Permit renewal, Lands of Westwind Barn, 27210 Altamont Road, with modifications to the conditions of approval as indicated by the Planning Director.

AYES: Commissioners Mordo, Cottrell, Vitu & Kerns  
NOES: None  
ABSTAIN: Chairman Clow (stepped down)

This item will appear on a future City Council agenda.

#### 3.2 LANDS OF DALLAS, 26530 Weston Drive (157-03-PM); A request for a Permit Modification to retain the existing above ground utility services to their residence. (staff-Mintze Cheng & Angelica Herrera)

Angelica Herrera introduced this item by presenting an overhead presentation of the project area, indicating the existing poles. A letter from Jeffrey Miller, 26699 Snell Lane, was received requesting the Commission uphold the original permit and request the applicant to underground the utility services. Staff continued noting it is typical for the Town to request property owners to underground not only any new utility poles but also the service lines leading into the development to reduce potential fire hazard and for aesthetic reasons. She felt it was reasonable to believe that the service lines leading into the development area should be replaced/upgraded. Commissioner Cottrell indicated that staff is following Town requirements per ordinance. It was clarified that even though the applicants are only adding 650 square feet of developed space, they are also adding a 536 square foot basement as part of the renovation which in total qualifies as a major addition, not a minor addition. Commissioner Kerns asked for clarification regarding minor versus major additions and recommended staff change future conditions so it is clear that this refers to all utilities, not just new utilities. As the condition is written, it does indicate "new" utilities. The City Engineer, Mintze Cheng, explained that "new" meant not only the utility poles but any wires going into the house. The code indicates that anything leading into the new development should be underground, not only the poles. Discussion ensued regarding the restriction of the wording in the ordinance. Consistently, staff has added the standard condition on projects over 900 square feet of habitable floor space. Commissioner Kerns would like to modify the ordinance to be more specific on minor and/or major remodels to make it very clear when undergrounding of utilities will be requested (an interpretation issue).

A letter from Jeffrey Miller was received. He asked that this property comply with the existing Municipal Code and underground all of the utilities. He stated he was willing to allow reasonable access to his property necessary for the undergrounding of these utilities.

#### OPENED PUBLIC HEARING

Bruce Dallas, 26560 Weston Drive, stated that Mintze and Angelica have been helpful through this process. He discussed his interpretation of the code and what they are doing to the residence which is a remodel, not new development, effectively adding some square footage with the addition of the basement which is not included in the square footage calculations. If the basement is ignored, this would be a minor project. If you look at the benefits of undergrounding the wires you will find the biggest and most visible structure will remain the same. They are asking that the wires that are there remain as they do not make any significant change. The pole on Fremont Road is not really visible. If the Commission does not permit the existing utility services to remain above ground to the renovated kitchen structure, they ask that they be permitted to run the existing utility service above ground to a new utility conduit located at the edge of their property (not visible from a public road) and underground from there to the house. The staff report noted they cannot consider hardships to applicants. They never mentioned hardship as they thought their explanation would be clear. He further discussed the disruption to the area if they trenched along Fremont Road, highlighting his statements provided in the staff report.

Sandy Humphries, 26238 Fremont Road, stated in 1979, due to a large development across the street on Fremont Road, she was forced to underground and pay for it. This is not an unusual request.

#### CLOSED PUBLIC HEARING

Commissioner Mordo noted that the applicant's main argument is that they are forced to do what they agreed to do. He was surprised that many applicants agree to all the requirements of approval, returning at a later date for changes. Commissioner Kerns understands the applicant's concern. When he reads the condition and the ordinance, it is not real clear, suggesting a clean up of the code for clarification. Commissioner Vitu felt the goal was to ultimately get rid of the poles in Town. So as each person comes in with a major addition, the utilities will go underground and eventually eliminate the poles in Town. She agreed that the language needs to be tightened up but if you look at precedent and what they have done in the past, considering 900 square feet whether it is above or below ground, to be considered a major remodel, and requiring utilities to be underground. Commissioner Cottrell felt the intent of the ordinance was clear. If they begin to make exceptions there will be no utilities underground. This is a long term objective of the Town. He felt the applicant should meet this requirement and doing so they will have a safer property. Chairman Clow concurred. This is a consistent requirement which has been in place for a long time. He noted that this issue is mentioned in the 1975 General Plan. They will be asking staff to look at the ordinance to clarify the wording so it will not be confusing to future applicants.

**MOTION SECONDED AND PASSED:** Motion by Commissioner Vitu and seconded by Commissioner Cottrell to uphold the original Site Development Permit and request the applicant to underground the utility services per the Town's Municipal Code, Section 8-2.02, Lands of Dallas, 26530 Weston Drive

AYES: Chairman Clow, Commissioners Kerns, Cottrell, Vitu & Mordo  
NOES: None

Mr. Dallas asked if he is unable to obtain the necessary easement, will the Commission reconsider their decision. Chairman Clow stated this is a subject for the Planning Director. The Commission is saying that the requirement remains in place. The Planning Director stated that the applicant should proceed forward with exploring and investigating their options, working with the City Engineer and the Building Official if there are unanticipated issues. If all else fails, staff will advise the Commission.

This approval is subject to a 23 days appeal period.

- 3.3 LANDS OF DUBEY, 26475 Ascension Drive (187-01-ZP-SD); A request for a modification to an approved condition of approval for Site Development Permit for a new residence approved July 24, 2003, substituting three (3) 84" box oak trees with three (3) 72" box oak trees. (staff-Debbie Pedro)

Staff introduced this item by reviewing the staff report regarding the planting of 72" box oak trees rather than the requested 84" box oak trees, several of the Prunus Caroliniana trees planted within the public utility easement, and portions of the slope along the south property line were graded with up to 2 feet of cut. Staff supports the permit modification with the modifications to the conditions of approval. She also noted the receipt of a letter from Vincent Zunino at 26555 Ascension Drive, noting five issues of concern.

#### OPENED PUBLIC HEARING

Anita Dubey, 26475 Ascension Drive, applicant, stated they have completed all of the prior conditions of approval as approved at the July 24, 2003 meeting. She explained the change to the size of trees and felt they accomplished the needed screening. They could not obtain the requested 84" box oak trees in a timely manner. She does not have an issue regarding moving the trees from the public utility easement. She has also changed their landscape contractor, as instructed.

Vincent Zunino, 26555 Ascension Drive, noted that he had submitted all of his comments in writing. He did clarify that the three additional shrubs were planted in the PUE.

#### CLOSED PUBLIC HEARING

Commissioner Cottrell stated that, after hearing from the applicant that she intends to meet all of the requirements, he did not feel there was an issue. He did not feel they could dictate what kind of landscape contractor people could use and he did not feel there was a significant difference between a 72" and a 84" box oak tree. He supports the project and hoped that everyone would be better neighbors. Commissioner Vitu agreed with the previous comments noting the trees do need to be moved out of the PUE. Commissioner Kerns also agreed and felt the neighbors need to work together finding ways to solve problems, not create them. He does have a problem with adding conditions that talk about specific irrigation and maintenance plans as it sets a bad precedent. Also, he felt that condition #15 was not necessary. Commissioner Mordo only disagreed with the process. Mr. Zunino did a good job bringing to their attention things that were not right. He felt if an applicant agrees to conditions, they should follow through with completion. Chairman Clow agreed with Commissioner Cottrell's comments.

**MOTION SECONDED AND PASSED:** Motion by Commissioner Vitu and seconded by Commissioner Cottrell to approve the requested permit modification to substitute three (3) 84" box oak trees with three (3) 72" box oak trees subject to the revised recommended conditions of approval, Lands of Dubey, 26475 Ascension Drive.

AYES: Chairman Clow, Commissioners Mordo, Cottrell, Kerns & Vitu  
NOES: None

This approval is subject to a 23 days appeal period.

4. OLD BUSINESS

4.1 Report from subcommittees-none

5. NEW BUSINESS

5.1 Review of the Development Area Policy on Tennis/Sports Courts, Driveway, and Pervious Surfaces (staff-Debbie Pedro)

Staff introduced this item by reviewing the staff report and requesting feedback from the Commission regarding noted issues. If the Commission finds that an amendment to the policy is necessary, staff should be directed to prepare a revised Development Area Policy and schedule the item for a public hearing. Chairman Clow asked if a tennis court that had a natural grass surface would count as development area? The Planning Director responded yes, according to the current policy. Even with a lawn tennis court, the surface has to be very flat and drain quickly. Usually, a tennis court has a gravel base. Commissioner Mordo felt there were two different issues: permeability; and aesthetics. He asked if they wanted to limit the unnatural (plastic) material. The Planning Director stated when you look at a plastic lawn, there is a foot of gravel underneath. Gravel counts as 50%. Discussion ensued regarding what counts as development area and how much.

**OPENED PUBLIC SESSION**

Peter Fung, 24890 Tiare Lane, would like to use the artificial turf for his tennis court as it is easier on the body and it allows a controlled slide. Both are an advantage over a hard surface. Also, it is aesthetically pleasing, better looking than natural lawn and it is maintenance free although much more costly to install. It will also save on significant resources for the Town and the State as it is ecologically correct using recycled materials. The Town should encourage people to use this type of material for healthy exercise not just for schools but for private property. He will be bringing in his application for a tennis court using artificial turf sometime next month for review and approval.

Chairman Clow stated if Mr. Fung was using this material and it was counted 100% development, there should be no problem.

Dot Schreiner, 14301 Saddle Mountain Drive, stated this subject was very carefully considered in 1995. All the applicants that came in with the request to use artificial turf thus a reduction in development area because they did not have the development area available. The Chairman made the point that if anyone would like to use this material and have it count 100% development, no problem. Originally the Commission was concerned, not because of the grading but because it looked like a structure. It eliminated trees and shrubs or plants that would have been required to be planted in that area. She was not sure of the life span of the product. She hoped that the Commission would retain the previous outcome when reviewing this subject.

Sandy Humphries, 26238 Fremont Road, asked if it was a California State law to handle all of the water on site. She invited everyone to see what clay soil does when there is not much water on it. She concluded by asking if we have artificial turf lawns, what would prevent plastic trees?

Chris Vargas, 13825 Templeton Place, felt they should call a tennis court what it is, development area. Tennis courts are good, however there are rules regarding how much can be developed which should be kept. He liked the comment about getting outdoors more. Wouldn't it be nice if we had smaller houses and more tennis courts. He asked that they be consistent regarding development area rules and that they make sense.

#### CLOSED PUBLIC SESSION

Commissioner Cottrell felt as long as they did not band the use of artificial turf he was content to have it count as full development. Commissioner Vitu would like to hear what the people in Town think of this. People obviously have an interest in outdoor activity. She did not know if 50% or 75% was the right number for calculating this product. The two issues are drainage and aesthetics and it has been shown that the drainage can be engineered. The question is the aesthetics and what do people think of it. Commissioner Kerns agreed. They do need public input on this subject. He did not feel they have had many requests to put artificial turf on tennis courts so he did not feel this was a big issue. There are areas besides tennis courts listed in the policy: driveways, parking area, turnarounds, and above ground decks which have not been discussed. He felt there should be a public hearing on this subject. Commissioner Mordo was happy with the development area policy as written. Using the "no development credit" for things

they do not like is not necessarily the best way. They cannot legislate good taste. Chairman Clow felt there was two categories: general development area, and tennis courts. He felt it would be helpful if staff would clarify the current policy (development credit given) and then have a public hearing in the future regarding where artificial turf fits into this.

The Planning Director suggested bringing this up at the joint City Council/Planning Commission meeting. Commissioner Kerns suggested reviewing the policy and perhaps create the necessary changes into an ordinance. Discussion ensued regarding Policy versus Ordinance. It was suggested to discuss this topic at the joint meeting scheduled for September 18, 2003.

5.2 Discussion of agenda items for the joint meeting of the City Council and Planning Commission.

Discussion ensued regarding topics for the joint meeting which included the following: conservation easements; pathway policy, LUF; typical ordinance changes; and Los Altos School District – day care site rather than "charter school" (what can the Town do?).

6. REPORT FROM THE CITY COUNCIL MEETING

6.1 Planning Commission Representative for September 4<sup>th</sup>, Commissioner Mordo, reported on the following: consent calendar; appointments to the public education committee; and appointment of Council Liaison to the public education.

6.2 Planning Commission Representative for September 18<sup>th</sup> - Commissioner Kerns

6.3 Planning Commission Representative for October 2<sup>nd</sup> – Commissioner Mordo

6.4 Planning Commission Representative for October 16<sup>th</sup> – Commissioner Vitu

7. APPROVAL OF MINUTES

7.1 Approval of August 14, 2003 minutes

PASSED BY CONSENSUS: To approve the August 14, 2003 minutes deleting the second sentence in paragraph one on page 4.

8. REPORT FROM FAST TRACK MEETING- AUGUST 26 & SEPTEMBER 9, 2003

8.1 LANDS OF LEE, 13800 Templeton Place (86-03-ZP-SD-GD); A request for a Site Development Permit for a new residence. Approved with conditions.  
Approved with conditions.

8.2 LANDS OF CHOU, 12951 Cortez Lane (132-03-ZP-SD); A request for a Site Development Permit for an addition, and pool. Approved with conditions.  
Continued to September 16<sup>th</sup> due to no representative present.

9. REPORT FROM SITE DEVELOPMENT MEETING –SEPTEMBER 2 & 9, 2003

9.1 LANDS OF WILSON, 25852 Westwind Way (143-03-ZP-SD); A request for a Site Development Permit for a landscape screening plan. Approved with conditions.

9.2 LANDS OF DETRICK, 12120 Kate Drive (128-03-ZP-SD); A request for a Site Development Permit for a landscape screening plan and hardscape improvements. Approved with conditions.

10. ADJOURNMENT

The meeting was adjourned by consensus at 8:45 p.m.

Respectfully submitted,

Lani Smith  
Planning Secretary